

**Application No.:** 10/573,144  
**Filing Date:** October 13, 2006

## **REMARKS**

The Examiner states that the pending claims are directed to the following distinct inventions and requests election of one of the inventions:

Group I, claims 11-17, drawn to a bone fixed locator;

Group II, claims 18-21, drawn to a navigation system; and

Group III, claims 21-26, drawn to a method for determining the spatial position and location of body parts of a mammal.

Applicant hereby elects Group I (i.e., Claims 11-17) for prosecution in the above-captioned application. Accordingly, Applicant has cancelled Claims 18-26 without prejudice and reserves the right to pursue the subject-matter of these claims at a later date.

Applicant has additionally amended Claim 1 and added new Claims 27-40. Applicant respectfully submits that these Claims are drawn to the subject matter of Group I and that no new matter has been added by the amendment or addition of these claims.

### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

### Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

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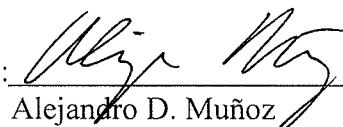
| Docket No.     | Serial No. | Title  | Filed     |
|----------------|------------|--|-----------|
| MEISS71.002C1  | 11/205,761 | METHOD AND APPARATUS FOR FINDING THE POSITION OF A MECHANICAL AXIS OF A LIMB                           | 8/16/2005 |
| MEISS71.020APC | 10/994,188 | ARRANGEMENT AND METHOD FOR INTEROPERATIVE DETERMINATION OF THE POSITION OF A JOINT REPLACEMENT IMPLANT | 11/19/04  |
| MEISS71.021C1  | 10/994,186 | ARRANGEMENT FOR ASCERTAINING FUNCTION-DETERMINING GEOMETRIC PARAMETERS OF A JOINT OF A VERTEBRATE      | 11/19/04  |

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 12, 2009

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